



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Albert K. Chin

APPLICATION NO.: 09/635,345

FILING DATE: August 9, 2000

TITLE: Apparatus and Method for Subxiphoid Endoscopic Access

EXAMINER: Thomas C. Barrett

GROUP ART UNIT: 3738

ATTY. DKT. NO.: 80121-07179

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 12/23/03 By: A.C. Smith
Albert C. Smith, Reg. No.: 20,355

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT
Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose. A concise explanation in accordance with 37 CFR §1.98(a)(3) of the relevant portions of the cited reference that is not in the English language is set forth, as follows:

Reference C1, Figures 1-3 and the associated text are understood to disclose subxiphoid penetration for accessing the heart to install a pair of pacing electrodes thereon for connection to an implanted pacemaker.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

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- within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
 - Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;
- on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
 - Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
 - each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or

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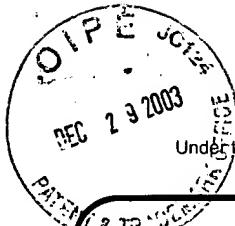
- no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
- attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
- after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. APPLICATION NO., filed on DATE FILED, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
ALBERT K. CHIN

Dated: 12/23/03

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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of

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|------------------------|-------------------|
| Application No. | 09/635,345 |
| Filing Date | August 9, 2000 |
| First Named Inventor | Albert K. Chin |
| Art Unit | 3738 |
| Examiner Name | Thomas C. Barrett |
| Attorney Docket Number | 80121-07179 |

| U.S. PATENT DOCUMENTS | | | | |
|-----------------------|-----------------------|--|-----------------|---|
| | | Document No. | | |
| Examiner Initials* | Cite No. ¹ | Number – Kind Code ² (if known) | Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
| A1 | | US-6,162,195 | 12-19-2000 | Igo et al. |
| A2 | | US-5,897,586 | 04-27-1999 | Molina |
| A3 | | US-5,690,648 | 11-25-1997 | Fogarty et al. |
| A4 | | US-5,618,287 | 04-08-1997 | Fogarty et al. |
| A5 | | US-5,464,447 | 11-07-1995 | Fogarty et al. |
| A6 | | US-4,991,578 | 02-12-1991 | Cohen |
| A7 | | US-4,765,341 | 08-23-1988 | Mower et al. |
| A8 | | US-4,319,562 | 03-16-1982 | Crosby |
| A9 | | US-4,291,707 | 09-29-1981 | Heilman et al. |
| A10 | | US-4,181,123 | 01-01-1980 | Crosby |

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| FOREIGN PATENT DOCUMENTS | | | | |
|--------------------------|-----------------------|---|-----------------------------|---|
| | | Foreign Patent Document | | |
| Examiner Initials* | Cite No. ¹ | Country Code ³ – Number ⁴ Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document |
| | B1 | EP 0095727A1 | 12-07-1983 | Purdue Research Foundation |

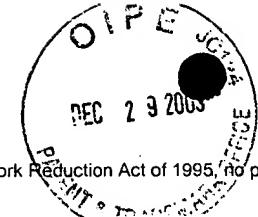
| OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS | | | | |
|--|----|--|--|--|
| | | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | | |
| | C1 | A. Carpentier, "Technique d'implantation de pace-maker par une voie d'abord abdominale sous-xiphoidienne," <i>La Presse Medicale</i> , Masson et Cie, Editeurs, Paris, Vol. 76, No. 2, January 13, 1968, 2 pp. | | |
| | C2 | P.J. de Feyter et al., "Permanent Cardiac Pacing with Sutureless Myocardial Electrodes: Experience in First One Hundred Patients," <i>PACE</i> , Vol 3, No. 2, March 1980, pp. 144-149. | | |

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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

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¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.



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| Art Unit | 3738 | |
| Examiner Name | Thomas C. Barrett | |
| Attorney Docket Number | 80121-07179 | |

| OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS | | | |
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| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published | T ⁶ |
| | C3 | S. Stewart, M.D., "Placement of the Sutureless Epicardial Pacemaker Lead by the Subxiphoid Approach," <i>The Annals of Thoracic Surgery</i> , Vol. 18, No. 3, September 1974, pp. 308-313. | |
| | C4 | L. Watkins, Jr., M.D. et al., "Implantation of the Automatic Defibrillator: The Subxiphoid Approach," <i>The Annals of Thoracic Surgery</i> , Vol. 34, No. 5, November 1982, pp. 515-520 | |
| | C5 | R. Broadman et al., "ICD Implantation via Thoracoscopy, "Mailslot" Thoracotomy and Subxiphoid Incision," <i>The Annals of Thoracic Surgery</i> , Vol. 57, No. 2, February 1994, pp. 475-476. | |
| | C6 | M. Zenati, M.D. et al., "Left Heart Pacing Lead Implantation Using Subxiphoid Videopericardioscopy," <i>J. Cardiovasc Electrophysiol</i> , Vol. 14, September 2003, pp. 949-963. | |

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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
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